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July 18, 2014

Hon. Nathanael M. Cousins
U.S. Magistrate Judge
450 Golden Gate Avenue
San Francisco, California 94102
BY HAND

Re: In re Telephone Information Needed for Criminal Investigation,
CR 14-90532 Misc NC

Your Honor,

The June 26, 2014 letter to which Your Honor has invited response from the Federal Public Defender's Office states that the government is seeking historical cell site information from ATT and T-Mobile. The question directed to the Federal Public Defender's Office by the Court is whether the Fourth Amendment allows the government to obtain such information under 18 U.S.C. § 2703(d) without probable cause.

As the government has already indicated to AFPD Ellen Leonida, the briefing the Court invited is entirely independent of the underseal application. Indeed, it is filed as a separate matter. Any additional information would reveal the nature of the investigation.

We ask that the Court deny AFPD Leonida's request.

Very truly yours,

MELINDA HAAG
United States Attorney

/s/
DAMALI A. TAYLOR
Assistant United States Attorney